

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

NORWOOD VILLAGE, INC.

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv1011-LTS-RHW

XL SPECIALTY INSURANCE COMPANY

DEFENDANT

ORDER

This cause of action was [8] stayed pending the parties' efforts at mediation, which were apparently unsuccessful because on February 12, 2007, a telephonic case management conference was held and on the same day a [9] Scheduling Order was entered. Following a [16] Motion to Compel Discovery and an [16] Order granting the motion, Defendant XL Specialty Insurance Company filed respectively a [17] Motion to Dismiss and a [19] Motion to Re-urge Motion to Dismiss, with the former being supported by a [18] memorandum.

Plaintiff has not filed a response to either motion (the time for responding to the [19] Motion to Re-urge has not expired, but that does not change the fact that nothing was submitted in opposition to the original [17] Motion to Dismiss). Defendant's motions are aimed at Plaintiff's failure to comply with a discovery order and to prosecute its claims. Uniform Local Rule 7.2(c)(2) provides: "If a party fails to respond to any motion, other than a motion for summary judgment, within the time allotted, the court may grant the motion as unopposed.

Accordingly, **IT IS ORDERED:**

Plaintiff's counsel shall, within five (5) days of the date of this order, advise the Court of his position on Defendant's pending [17] and [19] motions; failure to so advise the Court or provide adequate legal support for said position shall result in the granting of the relief sought by Defendant, including dismissal of the complaint.

SO ORDERED this the 21st day of August, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE